

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 08-216(1) (DWF/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Dennis Michael Lemke,

Defendant.

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Nathan P. Petterson, Assistant United States Attorney, United States Attorney's Office,  
counsel for Plaintiff.

Andrea K. George, Assistant Federal Defender, Federal Defender's Office, counsel for  
Defendant.

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This matter is before the Court upon Defendant Dennis Michael Lemke's ("Defendant") objections to Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated September 4, 2008, recommending that: (1) Defendant's Motion to Suppress Statements, Admissions and Answers be denied, as moot; (2) the Defendant's Motion to Suppress Evidence Derived from Searches and Seizures be denied; and (3) the Defendant's Motion to Dismiss Indictment be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and

precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Defendant Dennis Michael Lemke's objections (Doc. No. 34) to Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated September 4, 2008, are **DENIED**.

2. Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated September 4, 2008 (Doc. No. 31), is **ADOPTED**.

3. Defendant Dennis Michael Lemke's Motion to Suppress Statements, Admissions and Answers (Doc. No. 16) is **DENIED, AS MOOT**.

4. Defendant Dennis Michael Lemke's Motion to Suppress Evidence Derived from Searches and Seizures (Doc. No. 17) is **DENIED**.

5. Defendant Dennis Michael Lemke's Motion to Dismiss Indictment (Doc. No. 24) is **DENIED**.

Dated: November 19, 2008

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court